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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,456	11/17/2000	Martin Derleth	027/49351	5099

7590 04/07/2003

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EXAMINER

CARPENTER, SCOTT A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

09/714,456

Applicant(s)

DERLETH ET AL.

Examiner

Scott A. Carpenter

Art Unit

3612

-- Th MAILING DATE of this communication appears n the cover sheet with the correspondence address --

## Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/17/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disp sition of Claims

- 4) ☒ Claim(s) 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Pri rity under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-21 are rejected under 35 U.S.C. 103(a) as obvious over Nonaka et al. in U.S. Patent 4,559,868.

Regarding claims 16, 17, 19, and 20, Nonaka et al. (Nonaka hereafter) discloses a dashboard for a vehicle comprising a housing part (29) and a cover part (6), wherein the housing includes a fastening structure comprising an arm (see Fig. 2) and the cover includes a slotted recess (around 49 in Fig.2). Nonaka further discloses that the slot and arm portions are angled towards the passenger compartment, and that with the cover and housing part assembled, they form a HVAC duct. Nonaka also discloses that the vehicle have a windshield, but fails to specifically state that the vehicle comprise a cross member to which the windshield is mounted. One of ordinary skill in the art would recognize that a cross member upon which to mount a windshield is a necessary structure in any vehicle having a windshield, and is therefore a more or less inherent feature in any such vehicle. Additionally, Nonaka fails to disclose a peripheral leg on the housing which is engagable in a slot on the cover. Nonaka does disclose, however, a slot on the housing part (32) with a peripheral leg from the housing extending into the slot - both of which are inclined towards the passenger compartment. It would have been further obvious to one of ordinary skill in the art to modify the invention of Nonaka to reverse the slot and the arm

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such that the slot was in the cover (as is in the upper portion of the cover), and the peripheral leg extends from the housing part as an obvious reversal of parts.

Furthermore, regard to claims 16 and 19, the housing part of Nonaka is mounted to the vehicle, with the cover part detachably fixed to the housing part.

Regarding claims 18 and 21, Nonaka fails to disclose the specific materials used in the construction of the cover portion, however the use of the structure and materials recited in claims 18 and 21 is well known in the art, and it would have been obvious to one of ordinary skill in the art to use such construction, as it provides a rigid panel with insulating (both thermal and acoustic) properties.

3. Applicant's arguments filed 2/13/03 have been fully considered but they are not persuasive.

There is nothing in Nonaka that even remotely suggests that the dash cover is not removable once the windshield is installed, as applicant seems to argue. Furthermore, while Nonaka teaches a preferred method of assembly, there is no evidence in Nonaka that would suggest that the dash is not capable of being installed while the windshield is in place. An example of this point being that during vehicle assembly, most manufacturers mount the engine and transmission to the vehicle frame or front subframe and then install the frame/subframe from underneath the body, yet if the engine needed to be replaced, a mechanic would remove the engine through the top of the engine compartment.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A. Carpenter whose telephone number is 703-308-6290.

The examiner can normally be reached on Mon. - Thurs. 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on 703-308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3297 for regular communications and 703-308-3297 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sac  
March 31, 2003

 3/31/03

 7/1/07  
D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600